

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Simon Robles BELTRAN,

Defendant

Magistrate Docket No.

'08 MJ 1974


COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **June 26, 2008** within the Southern District of California, defendant, **Simon Robles BELTRAN**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 27th DAY OF JUNE, 2008


Louisa S. Porter

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Simon Robles BELTRAN

PROBABLE CAUSE STATEMENT

On June 26, 2008, Border Patrol Agent B. Bryan was performing his assigned duties in the Campo, California area of responsibility. Agent Bryan responded to seismic intrusion device in an area approximately nine miles east of the Tecate, California port of entry and less than 12 miles north of the United States/Mexico International border.

Agent Bryan arrived in the area and observed fresh footprints heading north on a trail. Agent Bryan followed the footprints north until he encountered eighteen individuals attempting to conceal themselves in brush. Agent Bryan identified himself as a United States Border Patrol Agent and questioned each subject as to their citizenship and immigration status, including one later identified as the defendant **Simon Robles BELTRAN**. All eighteen admitted to being citizens and nationals of Mexico without the proper immigration documents to enter or remain in the United States legally. At approximately 3:00 a.m., all eighteen subjects were arrested and transported to the Border Patrol Station in Pine Valley, California for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on April 23, 2008 through Laredo, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States. The defendant further admitted that he had been previously deported from the United States and has not applied or requested permission to re-enter the United States legally.